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August 22, 2001

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OFFICE OF THE CHIEF COUNSEL

Donald E. Kinner
Assistant Director
Civil Division, Commercial Litigation Branch
Department of Justice
1100 L Street, N.W.
Attn: Classification Unit
8th Floor
Washington, D.C. 20530

Re: Lockheed Martin Idaho Technologies Company v. Lockheed Martin
Advanced Environmental Systems, Inc. and Lockheed Martin Corporation
v. EG&G Idaho, Inc., Case No. CIV 98-0316-E-BLW (D. Idaho);
Lockheed Martin Corporation and Lockheed Martin Advanced
Environmental Systems, Inc. v. United States, Case No. 98-468 (Fed. Cl.)

Dear Don:

Pursuant to your request and in accordance with the parties' agreement, enclosed please find the written deposition questions for the U.S. Department of Energy record custodian(s). Please respond to these questions within thirty (30) days. If you have any questions, please call me at the above number.

Sincerely,



Paul A. Debolt

Enclosure

cc: Rock Buraglio
Jennifer K. Anderson, Esq.
Robert J. Burke, Esq.

**DEFENDANTS', LOCKHEED MARTIN ADVANCED ENVIRONMENTAL
SYSTEMS, INC. AND LOCKHEED MARTIN CORPORATION,
RECORD CUSTODIAN QUESTIONS**

Pursuant to Rules 30(b)(6) and Rule 45 of the Federal Rules of Civil Procedure ("FRCP"), Lockheed Martin Advanced Environmental Systems, Inc. and Lockheed Martin Corporation (collectively, "Lockheed Martin") served subpoenas on the United States Department of Energy ("DOE") Idaho Operations Office which directed it to (i) produce documents and other information relevant to the Pit 9 Comprehensive Demonstration Program and Subcontract No. C91-133136, and to (ii) designate and to cause to appear at the offices of Racine, Olson, Nye, Budge & Bailey, Chartered, 201 E. Center Street, Pocatello, ID 83204 on August 13, 1999, an individual or individuals to testify on its behalf, with regard to the matters listed below. The United States Department of Justice, as counsel to DOE, subsequently requested that Lockheed Martin take the deposition upon written questions concerning the designated matters, pursuant to Rule 31(a)(1) of the FRCP. Accordingly, Lockheed Martin submits the questions below, as deposition questions pursuant to Rule 30(b)(6), to be answered under oath by a person designated to answer on behalf of DOE. Lockheed Martin requests that DOE respond to this request within thirty (30) days.

Pursuant to the FRCP Rule 31(a)(1), Lockheed Martin requests that DOE answer the following questions¹:

1. State the name, business address, and current job title of each record custodian from whom DOE produced documents responsive to Lockheed

¹ See Definitions at end of these questions for definitions of many terms used in these deposition questions.

Martin's First Request for Production of Documents to DOE, which was served on or about August 13, 1999.

2. Describe generally the procedures that were used to respond to Lockheed Martin's First Request for Production of Documents, which was served on DOE on or about August 13, 1999.
3. How long has each record custodian identified in response to Question No. 1 been assigned to the position identified?
4. Describe DOE's record retention policies and document destruction policies for DOE owned documents relating to LMITCO's M&O Contract. Include in your answer all policies that applied to the requested documents from January 1, 1991 to the present.
5. Describe DOE's record retention policies and document destruction policies for DOE owned documents relating to EG&G's M&O Contract. Include in your answer all policies that applied to the requested documents from January 1, 1991 to the present.
6. Describe DOE's document retention policies and procedures relating to records maintained by DOE in an electronic format. Include in your answer all policies and procedures that applied to the requested documents from January 1, 1991 to the present.
7. Describe DOE-ID's document retention policies and procedures relating to records maintained by DOE-ID in an electronic format. Include in your

answer all policies that applied to the requested documents from January 1, 1991 to the present.

8. Describe DOE's document retention policies and procedures relating to electronic mail or e-mail. Include in your answer all policies that applied to the requested documents from January 1, 1991 to the present.
9. Describe the configuration of the DOE computer network system that was used for the Pit 9 Project from January 1991 through the present, including, for example:
 - How many servers were used?
 - How many computers were served by each server?
 - Where were documents saved, e.g. on the server only, on the individual user's hard drive, or both?
 - How were saved documents accessed?
 - Were documents saved on removable media, e.g. "floppy disks?"
10. Were portable computers (laptops or notebooks) used by DOE personnel working on the Pit 9 Project?
11. If portable computers (laptop or portable computers, e.g.) were used, how were documents created or modified on the portable computers saved?
12. Were portable computers searched as part of the search for documents responsive to the subpoenas? If not, why not?
13. Identify all portable computers that were used for the Pit 9 Project that were not searched for responsive documents.

14. Describe DOE-ID's e-mail system from January 1, 1991 through the present, including:
 - Were e-mails saved?
 - Where were e-mails saved?
 - Describe the procedures for saving e-mails.
 - Describe any policies concerning the saving of e-mails.
 - Was there a back-up system? Describe it.
 - How often was the e-mail system backed up?
15. Describe DOE-ID's document destruction and retention policies and procedures relating to electronic mail or e-mail. Include in your answer all policies and procedures that applied to the requested documents from January 1, 1991 to the present.
16. Describe DOE's document destruction and retention policies and procedures relating to documents maintained in an electronic format. Include in your answer all policies that applied to the requested documents from January 1, 1991 to the present.
17. Describe DOE-ID's document destruction and retention policies and procedures relating to records maintained in an electronic format. Include in your answer all policies that applied to the requested documents from January 1, 1991 to the present.
18. Describe DOE's document destruction and retention policies and procedures relating to electronic mail or e-mail. Include in your answer

all policies that applied to the requested documents from January 1, 1991 to the present.

19. Describe DOE's procedures for backing-up documents maintained in an electronic format. Include in your answer all policies that applied to the requested documents from January 1, 1991 to the present.
20. Describe DOE-ID's procedure for backing-up documents maintained in an electronic format. Include in your answer all policies that applied to the requested documents from January 1, 1991 to the present.
21. Describe DOE's procedure for backing-up electronic mail or e-mail. Include in your answer all policies that applied to the requested documents from January 1, 1991 to the present.
22. Identify the offices responsible for backing-up DOE documents that were maintained in an electronic format. Include in your answer all offices responsible for backing up electronic copies of the requested documents from January 1, 1991 to the present.
23. Identify the offices responsible for backing-up DOE-ID documents that were maintained in an electronic format. Include in your answer all offices responsible for backing up electronic copies of the requested documents from January 1, 1991 to the present.
24. Identify the offices responsible for backing-up DOE's electronic mail or e-mail.

25. Identify the offices responsible for backing-up DOE-ID's electronic mail or e-mail.
26. Describe the schedule for backing-up DOE's documents that were maintained in an electronic format. Include in your answer all schedules that applied to the requested documents from January 1, 1991 to the present.
27. Describe the schedule for backing-up DOE-ID's documents that were maintained in an electronic format. Include in your answer all schedules that applied to the requested documents from January 1, 1991 to the present.
28. Describe the schedule for backing-up DOE's electronic mail or e-mail. Include in your answer all schedules that applied to the requested documents from January 1, 1991 to the present.
29. Describe the schedule for backing-up DOE-ID's electronic mail or e-mail. Include in your answer all schedules that applied to the requested documents from January 1, 1991 to the present.
30. What were DOE's and DOE-ID's schedules for the back-up of electronic files relating to the Pit 9 Project from January 1, 1991 to the present?
31. Provide the dates on which DOE and DOE-ID performed the back-up of electronic files relating to the Pit 9 Project from January 1, 1991 to the present.

32. What were DOE's and DOE-ID's schedules for the back-up of electronic files relating to Subcontract No. C91-133136 from January 1, 1991 to the present?
33. Provide the dates on which DOE and DOE-ID performed the back-up of electronic files relating to Subcontract No. C91-133136 from January 1, 1991 to the present.
34. What were DOE's and DOE-ID's schedules for the back-up of electronic files relating to the OCI Plan from July 1, 1994 to the present?
35. Provide the dates on which DOE and DOE-ID performed the back-up of electronic files relating to the OCI Plan from July 1, 1994, to the present.
36. What were DOE's and DOE-ID's schedules for the back-up of electronic files relating to the OU 7-10 Staged Interim Action Project?
37. Provide the dates on which DOE and DOE-ID performed back-ups of electronic files relating to the OU-7-10 Staged Interim Action Project.
38. Describe any ad hoc back-up procedures used by DOE or DOE-ID for any requested documents maintained in an electronic format.
39. Describe any ad hoc back-up procedures for any electronic mail or e-mail used or instituted by DOE or DOE-ID from January 1, 1991 to the present.
40. Describe where DOE and/or each record custodian identified in response to question No. 1 maintains any documents relating to Subcontract No. C91-133136.

41. Identify each location where back-up files relating to Subcontract No. C91-133136 are maintained in an electronic format.
42. State the name, business address, and current job title of the record custodian for all back-up files relating to Subcontract No. C91-133136 that are maintained in an electronic format.
43. For each of the record custodians identified in response to question No. 1, describe how records relating to the Pit 9 Project were identified for filing from January 1, 1991 to the present by each identified record custodian in response to question No. 1.
44. Describe DOE's and DOE-ID's policies and procedures for cataloging and identifying documents relating to the Pit 9 Project from January 1, 1991 to the present.
45. Where are the documents concerning the drafting, modification, or implementation of the OCI Plan located?
46. State the name, business address, and current job title of the record custodian for any documents relating to the OCI Plan.
47. If the documents are not stored in one central location, state the name, business address, and current job title of each of the record custodians for any documents relating to the drafting, modification, or implementation of the OCI Plan. Include in your answer all record custodians for the requested documents between July 1, 1994 and the present date.

48. Have any of the record custodians identified in response to question No. 1 destroyed any documents relating to the OCI Plan? If so, state the date of the document destruction, the reason for the destruction, and state the general subject matter and contents of the documents.
49. Where are the records concerning the drafting, modification, and implementation of the Program Oversight Board, Charter located?
50. State the name, business address and current job title of the record custodian for any documents relating to the drafting, modification, and implementation of the Program Oversight Board Charter.
51. Has anyone destroyed any documents relating to the Program Oversight Board Charter? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, state the date of the document destruction, the reason for the destruction, and state the general subject matter and contents of the documents.
52. Where are the records concerning the operation of the Program Oversight Board located?
53. State the name, business address, and current job title of the record custodian for any documents relating to the operation of the Program Oversight Board.
54. Has anyone destroyed any documents relating to the operation of the Program Oversight Board? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed,

state the date of the document destruction, the reason for the destruction, and state the general matter of the contents of the documents.

55. Where are the records concerning the staffing of the Program Oversight Board located?
56. State the name, business address, and current job title of the record custodian for any documents relating to the staffing of the Program Oversight Board.
57. Has anyone destroyed any documents relating to the staffing of the Program Oversight Board? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, state the date of the document destruction, the reason for the destruction, and state the general subject matter and contents of the documents.
58. Where are the documents concerning the Program Oversight Board meeting minutes or Pit 9 Highlights located?
59. State the name, business address, and current job title of the record custodian for any documents relating to the Program Oversight Board meeting minutes or Pit 9 Highlights.
60. Has anyone destroyed any documents relating to the Program Oversight Board meeting minutes or the Pit 9 Highlights? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, state the date of the document destruction, the reason for the

destruction, and state the general subject matter and contents of the documents.

61. Where are the documents concerning the Guarantee of Performance for the Pit 9 Subcontract located?
62. State the name, business address, and current job title of the record custodian for any documents concerning the Guarantee of Performance for the Pit 9 Subcontract.
63. Has anyone destroyed any documents relating to the Guarantee of Performance for the Pit 9 Subcontract? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, state the date of the document destruction, the reason for the destruction, and state the general subject matter and contents of the documents.
64. Where are the records concerning any review or analysis of LMAES' Technical Proposal, which was submitted to EG&G on or about January 20, 1992, located?
65. State the name, business address, and current job title of the record custodian for any documents relating to any review or analysis of LMAES' Technical Proposal, which was submitted to EG&G on or about January 20, 1992.
66. Have any documents relating to any review or analysis of LMAES' Technical Proposal, which was submitted to EG&G on or about January

20, 1992, been destroyed by any of the record custodians identified in response to No. 1? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, state the date of the document destruction, the reason for the destruction, and state the general subject matter and contents of the documents.

67. Where are the records concerning any review or analysis of LMAES' Technical Proposal, which was submitted by LMAES to EG&G on or about April 11, 1994, located?
68. State the name, business address, and current job title of the record custodian for any documents relating to any review or analysis of LMAES' Technical Proposal, which was submitted by LMAES to EG&G on or about April 11, 1994.
69. Has anyone destroyed any documents relating to any review or analysis of LMAES' Technical Proposal, which was submitted by LMAES to EG&G on or about April 11, 1994? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, state the date of the document destruction, the reason for the destruction, and state the general subject matter and contents of the documents.
70. Where are the records concerning any review or analysis of LMAES' Cost Proposal, which was submitted to EG&G on or about April 25, 1994, located?

71. State the name, business address, and current job title of the record custodian for any documents relating to any review or analysis of LMAES' Cost Proposal, which was submitted to EG&G on or about April 25, 1994.
72. Has anyone destroyed any documents relating to any review or analysis of LMAES' Cost Proposal, which was submitted to EG&G on or about April 25, 1994? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, identify and describe the documents, state the date of destruction, and the reason for the destruction.
73. Where are the records concerning any review or analysis of LMAES' 30% Design, which was submitted to EG&G on or about April 29, 1994, located?
74. State the name, business address, and current job title of the record custodian for any documents relating to any review or analysis of LMAES' 30% Design, which was submitted to EG&G on or about April 29, 1994.
75. Has anyone destroyed any documents relating to any review or analysis of LMAES' 30% Design, which was submitted to EG&G on or about April 29, 1994? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, identify and

describe the documents, state the date of destruction, and the reason for the destruction.

76. Where are the records concerning any review or analysis of the Preliminary Safety Analysis Report that was submitted by LMAES to either EG&G or LMITCO during the Pit 9 Project located?
77. State the name, business address, and current job title of the record custodian for any documents relating to any review or analysis of each PSAR drafted by LMAES and submitted by LMAES to either EG&G or LMITCO during the Pit 9 Project.
78. Has anyone destroyed any documents relating to any review or analysis of LMAES' PSAR? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, identify and describe the documents, state the date of destruction, and the reason for the destruction.
79. Where are the records concerning any review or analysis of LMAES' Best and Final Offer ("BAFO"), which was submitted to EG&G on or about July 12, 1994, located?
80. State the name, business address, and current job title of the record custodian for any documents concerning any review or analysis of LMAES' BAFO, which was submitted to EG&G on or about July 12, 1994.

81. Has anyone destroyed any documents relating to any review or analysis of LMAES' BAFO, which was submitted to EG&G on or about July 12, 1994? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, identify and describe the documents, state the date of destruction, and the reason for the destruction.
82. Where are the records concerning the designation of EG&G as DOE's contracting agent for the Pit 9 Subcontract located?
83. State the name, business address, and current job title of the record custodian for any documents concerning the designation of EG&G as DOE's contracting agent for the Pit 9 Subcontract.
84. Has anyone destroyed any documents relating to the designation of EG&G as DOE's contracting agent for the Pit 9 Subcontract? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, identify and describe the documents, state the date of destruction, and the reason for the destruction.
85. Where are the records concerning the assignment of responsibility for the day-to-day management of the Pit 9 Subcontract to the LMITCO Sequestered Team located?
86. State the name, business address, and current job title of the record custodian for any documents concerning the assignment of responsibility for the day-to-day management of the Pit 9 Subcontract to the LMITCO Sequestered Team.

87. Has anyone destroyed any documents relating to the assignment of responsibility for the day-to-day management of the Pit 9 Subcontract to the LMITCO Sequestered Team? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, identify and describe the documents, state the date of destruction, and the reason for the destruction.
88. Describe the location of all documents kept by DOE or DOE-ID personnel concerning any communication between DOE or DOE-ID personnel and any member of the LMITCO Sequestered Team.
89. State the name, business address, and current job title of all record custodians for any documents concerning any communication between DOE or DOE-ID personnel and any member of the LMITCO Sequestered Team.
90. Have any documents concerning any communication between DOE or DOE-ID personnel and any member of the LMITCO Sequestered Team been destroyed? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, identify and describe the documents, state the date of destruction, and the reason for the destruction.
91. Where are the documents concerning any negotiations, discussions, meetings or communications between, among or attended by one or more

DOE-ID, LMITCO, LMAES, or EG&G personnel relating to the negotiation or award of the Pit 9 Letter Subcontract located?

92. State the name, business address, and current job title of the record custodian for any documents concerning any negotiations, discussions, meetings or communications between, among or attended by one or more DOE-ID, LMITCO, LMAES, or EG&G personnel relating to the negotiation or award of the Pit 9 Letter Subcontract.
93. Have any documents relating to any negotiations, discussions, meetings or communications between, among or attended by one or more DOE, DOE-ID, LMITCO, LMAES, or EG&G personnel relating to the negotiation or award of the Pit 9 Letter Subcontract been destroyed? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, identify and describe the documents, state the date of destruction, and the reason for the destruction.
94. Where are the documents concerning any negotiations, discussions, meetings or communications between or among DOE, DOE-ID, LMITCO, LMAES, or EG&G personnel relating to the Definitization of the Pit 9 Subcontract located?
95. State the name, business address, and current job title of the record custodian for any documents concerning negotiations, discussions, meetings or communications between or among DOE, DOE-ID,

LMITCO, LMAES, or EG&G personnel relating to the Definitization of the Pit 9 Subcontract.

96. Have any documents relating to any negotiations, discussions, meetings or communications between or among DOE, DOE-ID, LMITCO, LMAES, or EG&G personnel relating to the Definitization of the Pit 9 Subcontract been destroyed? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, identify and describe the documents, state the date of destruction, and the reason for the destruction.
97. Where are the documents concerning either the originally anticipated or the actual funding of the Pit 9 Subcontract, including all formal and informal budget estimates located?
98. State the name, business address, and current job title of the record custodian for any documents concerning either the originally anticipated or the actual funding of the Pit 9 Subcontract, including all formal and informal budget estimates.
99. Has anyone destroyed any documents concerning either the originally anticipated or the actual funding of the Pit 9 Subcontract, including all formal and informal budget estimates? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, identify and describe the documents, state the date of destruction, and the reason for the destruction.

100. Identify the location of any documents concerning any Requests for Action issued by any DOE or DOE-ID personnel to LMAES during LMAES' performance of the Pit 9 Subcontract.
101. State the name, business address, and current job title of any record custodian for any documents concerning any Requests for Action issued by any DOE or DOE-ID personnel to LMAES during LMAES' performance of the Pit 9 Subcontract.
102. Have any of the documents concerning any Requests for Action issued by any DOE or DOE-ID personnel to LMAES during LMAES' performance of the Pit 9 Subcontract been destroyed? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, identify and describe the documents, state the date of destruction, and the reason for the destruction.
103. Identify the location of all documents concerning any Requests for Action issued by any LMITCO personnel to LMAES during LMAES' performance of the Pit 9 Subcontract.
104. State the name, business address, and current job title of the record custodian for any documents concerning any Requests for Action issued by any LMITCO personnel to LMAES during LMAES' performance of the Pit 9 Subcontract.
105. Have any documents concerning any Requests for Action issued by any LMITCO personnel to LMAES during LMAES' performance of the Pit 9

Subcontract been destroyed? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, identify and describe the documents, state the date of destruction, and the reason for the destruction.

106. State the name and business address of each organization that DOE or DOE-ID provided with a copy of any LMAES deliverable generated by LMAES during its performance of the Pit 9 Subcontract.
107. To the extent not already identified in response to previous questions, have any documents relating to the Pit 9 Project been destroyed? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, identify and describe the documents, state the date of destruction, and the reason for the destruction.
108. To the extent not already identified in response to previous questions, have any documents relating to the Pit 9 Subcontract been destroyed? If so, identify the person who destroyed the documents and anyone who directed that the documents be destroyed, identify and describe the documents, state the date of destruction, and the reason for the destruction.
109. Describe all steps or efforts (including the dates of such steps or efforts) taken by DOE or DOE-ID since June 1, 1998 to preserve the existence of, and to protect the integrity of all documents in the possession of DOE or DOE-ID relating to the Pit 9 Project.

110. Describe all steps or efforts (including the dates of such steps or efforts) taken by DOE or DOE-ID since June 1, 1998 to preserve the existence of, and to protect the integrity of all documents in the possession of DOE or DOE-ID relating to the Pit 9 Subcontract.
111. Describe all steps or efforts (including the dates of such steps or efforts) taken by DOE's or DOE-ID's contractors since June 1, 1998 to preserve the existence of, and the integrity of DOE owned documents relating to the Pit 9 Project.
112. Describe all steps or efforts (including the dates of such steps or efforts) taken by DOE's or DOE-ID's contractors since June 1, 1998 to preserve the existence of, and the integrity of DOE owned documents relating to the Pit 9 Subcontract.
113. Provide the approximate date that DOE or DOE-ID determined that litigation relating to the Pit 9 Subcontract was reasonably anticipated.
114. Describe all steps or efforts taken by DOE or DOE-ID to preserve all records relating to the Pit 9 Subcontract since the date that DOE reasonably anticipated litigation relating to the Pit 9 Subcontract.
115. Describe all steps taken by DOE's or DOE-ID's contractors to preserve all records relating to the Pit 9 Project since the date that DOE reasonably anticipated litigation relating to the Pit 9 Subcontract.

116. Describe all steps taken by DOE's or DOE-ID's contractors to preserve all records relating to the Pit 9 Subcontract since the date that DOE reasonably anticipated litigation relating to the Pit 9 Subcontract.
117. To the extent not already described, describe all documents that have been destroyed, including the deletion of electronic documents, relating to the Pit 9 Project since June 1, 1998.
118. To the extent not already described, describe all documents that were destroyed relating to the Pit 9 Project since DOE anticipated litigation concerning the Pit 9 Subcontract.
119. State the name, business address, and current job title of each individual who conducted a search for any documents responsive to Lockheed Martin's First Request For Production of Documents to DOE that was served on or about August 13, 1999.
120. What instructions and/or guidelines were given to each of the individuals who conducted a search for any documents responsive to Lockheed Martin's First Request for Production of Documents to DOE that was served on or about August 13, 1999?
121. How were the individuals with documents concerning the Pit 9 Project in their possession or control identified?
122. How were the individuals with documents concerning the Pit 9 Subcontract in their possession or control identified?

123. How were the individuals with documents concerning the Pit 9 Alternate Path Forward in their possession or control identified?
124. Describe the methodology employed to identify the locations of any DOE-ID documents deemed responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999.
125. Describe the methodology employed to identify the locations of any DOE-HQ documents deemed responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999.
126. Provide the name, business address, and current job title of each individual designated to oversee the search for any documents deemed responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999.
127. Identify the name, business address, and job title for each individual contacted with regard to documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999.
128. Were each of the individuals listed on Attachment A contacted and the records in his or her possession or control searched for any documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999? If

not, identify those who were not contacted, and state the reason for not contacting them.

129. State the name, business address, and job title of each individual who conducted any review of the responsive documents collected at DOE-ID.
130. Was there a search of each office at DOE-ID for documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999? If not, state the reason for not searching those offices that were not searched.
131. Does DOE-ID maintain any shared general files? If so, were there searches of shared general files conducted at DOE-ID for documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999?
132. Who conducted the review of files at DOE-HQ for documents that may have been responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999?
133. Was there a search of each office at DOE-HQ for documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999?
134. Does DOE-HQ maintain shared general files? If so, were there searches of shared general files conducted at DOE-HQ for documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999?

135. Was there a search for any documents relating to the Pit 9 Project conducted at any of DOE's contractors? If so, identify the contractors. If not, state the reason for not searching at any of DOE's contractors.
136. Was a search conducted for any documents relating to the Pit 9 Subcontract at any of DOE's contractors? If so, identify the contractors. If not, state the reason for not searching at any of DOE's contractors.
137. Was a search conducted for any documents relating to the Pit 9 Alternate Path Forward at any of DOE's contractors? If so, identify the contractors. If not, state the reason for not searching at any of DOE's contractors.
138. Was a search conducted at Rocky Flats for any documents relating to the Pit 9 Project? If so, describe the search. If not, state the reason for not searching at Rocky Flats.
139. Was a search conducted at Rocky Flats for any documents relating to the Pit 9 Subcontract? If so, describe the search. If not, state the reason for not searching at Rocky Flats.
140. Was a search conducted at Rocky Flats for any documents relating to the Pit 9 Alternate Path Forward? If so, describe the search. If not, state the reason for not searching at Rocky Flats.
141. Was a search conducted for any documents relating to the Pit 9 Project at DOE's Richland Operations Office? If so, describe the search. If not, state the reason for not searching at the Richland Operations Office.

142. Was a search conducted for any documents relating to the Pit 9 Subcontract at DOE's Richland Operations Office? If so, describe the search. If not, state the reason for not searching at the Richland Operations Office.
143. Was a search conducted for any documents relating to the Pit 9 Alternate Path Forward at DOE's Richland Operations Office? If so, describe the search. If not, state the reason for not searching at the Richland Operations Office.
144. Describe the efforts taken by DOE to determine if there were any relevant, responsive documents relating to the Pit 9 Project in the possession, custody or control of DOE's contractors.
145. Describe the efforts taken by DOE to determine if there were any relevant, responsive documents relating the Pit 9 Subcontract in the possession, custody or control of DOE's contractors.
146. Describe the efforts taken by DOE to determine if there were any relevant, responsive documents relating to Pit 9 Alternate Path Forward in the possession, custody, or control of DOE's contractors.
147. If documents relating to the Pit 9 Project were collected at the DOE's contractors, have all of those documents produced?
148. If the documents relating to the Pit 9 Project collected at the DOE's contractors were not produced, describe the circumstances surrounding why these documents were not produced.

149. If relevant, responsive documents relating to the Pit 9 Subcontract were collected at the DOE's contractors, were those documents produced?
150. If documents relating to the Pit 9 Subcontract collected at the DOE's contractors were not produced, state why these documents were not produced.
151. If relevant, responsive documents relating to the Pit 9 Alternate Path Forward were collected at the DOE's contractors, were those documents produced?
152. If documents relating to the Pit 9 Alternate Path Forward collected at the DOE's contractors were not produced, state why these documents were not produced.
153. Describe the effort to determine if there were any documents relating to the Pit 9 Project at Rocky Flats.
154. Describe the effort to determine if there were any documents relating the Pit 9 Subcontract at Rocky Flats.
155. Describe the effort to determine if there were any documents relating to the Pit 9 Alternate Path Forward at Rocky Flats.
156. If relevant, responsive documents relating to the Pit 9 Project were collected at Rocky Flats, were those documents produced?
157. If the documents relating to the Pit 9 Project collected at Rocky Flats were not produced, state why these documents were not produced.

158. If relevant, responsive documents relating to the Pit 9 Subcontract were collected at Rocky Flats, were those documents produced?
159. If the documents relating to the Pit 9 Subcontract collected at Rocky Flats were not produced, state why these documents were not produced.
160. If relevant, responsive documents relating to the Pit 9 Alternate Path Forward were collected at Rocky Flats, were those documents produced?
161. If the documents relating to the Pit 9 Alternate Path Forward collected at Rocky Flats were not produced, state why these documents were not produced.
162. Describe the efforts to determine if there were any documents relating to the Pit 9 Project at DOE's Richland Operations Office.
163. Describe the efforts to determine if there were any documents relating to the Pit 9 Subcontract at DOE's Richland Operations Office.
164. Describe the efforts to determine if there were any documents relating to Pit 9 Alternate Path Forward at DOE's Richland Operations Office.
165. If relevant, responsive documents relating to the Pit 9 Project were collected at DOE's Richland Operations Office, were those documents produced?
166. If documents relating to the Pit 9 Project collected at DOE's Richland Operations Office were not produced, state why these documents were not produced.

167. If relevant, responsive documents relating to the Pit 9 Subcontract were collected at DOE's Richland Operations Office, were those documents produced?
168. If documents relating to the Pit 9 Subcontract collected at DOE's Richland Operations Office were not produced, state why these documents were not produced.
169. If relevant, responsive documents relating to the Pit 9 Alternate Path Forward were collected at DOE's Richland Operations Office, were those documents produced?
170. If documents relating to the Pit 9 Alternate Path Forward collected at DOE's Richland Operations Office were not produced, state why these documents were not produced.
171. Describe the procedures used to search for any documents responsive to Lockheed Martin's First Request For Production of Documents to DOE which was served on or about August 13, 1999, in the possession or control of the following individuals or offices:
- (i) Secretary Richardson;
 - (ii) Francisco Pena;
 - (iii) Hazel O'Leary; and
 - (iv) the DOE Inspector General's office
 - (v) each of the individuals listed on Attachment A.

172. Describe how the search was conducted for any documents maintained in an electronic format that were responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999.
173. Were any documents concerning the Pit 9 Project withheld that are not identified on the privilege log? If so, state the reason for withholding the documents, and identify all documents withheld that were responsive to the subpoenas and not on the privilege log.
174. Were any documents concerning the Pit 9 Subcontract withheld that are not identified on the privilege log? If so, state the reason for withholding the documents, and identify all documents withheld that were responsive to the subpoena and not listed on the privilege log.
175. Were any documents concerning the Pit 9 Alternate Path Forward withheld that are not identified on the privilege log? If so, state the reason for withholding the documents, and identify all documents withheld that were responsive to the subpoena and not listed on the privilege log.
176. List all DOE owned or controlled facilities and offices that were searched for any documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999.
177. Describe the procedures for identifying DOE contractors that may have had documents responsive to Lockheed Martin's First Request For

Production of Documents to DOE that was served on or about August 13, 1999?

178. List all the DOE contractors' facilities searched for any documents relating to the Pit 9 Project.
179. List all the DOE facilities searched for any documents relating to the Pit 9 Project.
180. Who selected and identified the DOE contractors whose facilities would be searched for any documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999?
181. State the name and business address of each individual who conducted a search at any DOE contractor's facilities for any documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999.
182. Are there any documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999, which are not currently in the possession of DOE, for which DOE has a contractual right to obtain the documents? If so, state whether those documents have been produced. If not, state why they have not been produced, and identify the person who has possession of the documents.

183. Identify the locations, other than locations owned or controlled by DOE, where documents responsive to Lockheed Martin's First Request for Production of Documents to DOE, which was served on August 13, 1999, were collected.
184. Were the documents collected from the locations identified in response to No. 183 produced? If not, state why not (except for documents appearing on DOE's privilege log).
185. Identify all DOE contractors who possess or have control over documents relating to the Pit 9 Project that have not yet been produced.
186. Identify all DOE contractors who possess or have control over documents relating to the Pit 9 Subcontract that have not yet been produced.
187. Identify all DOE contractors who possess or have control over documents relating to the Pit 9 Alternate Path Forward that have not yet been produced.
188. Describe the procedures implemented to identify privileged documents in responding to the subpoenas.
189. Describe the instructions to any individual involved in the document review for determining which documents should be withheld based upon the attorney-client privilege.
190. Describe the instructions to any individual involved in the document review for determining which documents should be withheld based upon the work product privilege.

191. Describe the instructions to any individual involved in the document review for determining which documents should be withheld based upon the governmental privilege, i.e., pre-decisional, deliberative process, or any other governmental privilege.
192. Was there a search for any documents relating to the Source Selection Board that was created in about 1992?
193. Was there a search for any documents relating to the Source Selection Board that was created in about 1994?
194. Describe the procedures implemented to conduct the search for any documents relating to the Source Selection Board that was created in about 1992.
195. Describe the procedures implemented to conduct the document search of any documents relating to the Source Selection Board that was created in about 1994.
196. Did counsel for LMITCO participate in the search for, or in the review of, any documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on DOE on or about August 13, 1999?
197. If yes, describe the role of counsel for LMITCO in the search for, or in the review of any documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on DOE on or about August 13, 1999?

198. Were any records kept of the search instructions, procedures and guidelines?
199. Who prepared such instructions, procedures and guidelines?
200. To whom were the instructions, procedures, and guidelines distributed?
201. Were the search instructions, procedures and guidelines produced?
202. Were any records maintained concerning the outcome of the search for documents at DOE-HQ responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999?
203. Were any records maintained concerning the outcome of the search at DOE-ID for any documents DOE-ID responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999?
204. Were any records maintained concerning the outcome of the search at any of DOE's contractors for any documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999?
205. Were any records maintained concerning the outcome of the search at Rocky Flats for any documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999?

206. Were any records maintained concerning the outcome of the search at DOE's Richland Operations Office for any documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, which was served on or about August 13, 1999?
207. Describe Aspen Systems' role in the search for any documents responsive to Lockheed Martin's First Request For Production of Documents to DOE, including its relationship with the government.
208. What was Aspen Systems' role in the determination of which documents would be withheld based upon the attorney-client privilege?
209. What was Aspen Systems' role in the determination of which documents would be withheld based upon the work product privilege?
210. What was Aspen Systems' role in the determination of which documents would be withheld based upon a governmental privilege?
211. As it relates to DOE's document production, define the term original document.
212. Were the original documents produced? If not, why not?
213. If the original documents were not produced, what was produced?
214. Describe how the copies of the documents that were produced were created from the original documents.
215. Describe any quality control procedures used in producing copies of original documents.

216. Did DOE conduct a search for each specification of the subpoena, which was served on or about August 13, 1999?
217. If not, for which specifications did DOE not conduct a search? Why not?
218. Except for claims of privilege, has DOE produced each document that was responsive to the subpoena? If not, why not?
219. Are all documents that DOE is withholding based on claims of privilege identified on the privilege logs that DOE has produced to counsel for LMC and LMAES? If not, why not?
220. Identify any responsive documents not produced that have not been identified on DOE's privilege log.
221. Were any documents withheld from production because they contained classified information?
222. If so, provide the most complete description that is legally permissible of the documents or types of documents.

DEFINITIONS

The terms set forth below are defined as follows, unless stated otherwise:

A. The term "record custodian" means any DOE personnel, DOE contractor, or DOE subcontractor who has possession or control, including the care, management, safekeeping and preservation of any documents as defined in definition T. The term "record custodian" includes, but is not limited to, each individual listed on Attachment A, including such individual's assistants, secretaries, predecessors, or successors.

B. The "Pit 9 Project" shall mean Phases I, II, and III of the Pit 9 Comprehensive Demonstration Project at the Idaho National Engineering and Environmental Laboratory ("INEEL"), formerly the Idaho National Engineering Laboratory.

C. The term "LMITCO M&O Contract" shall mean contract number ("No.") DE-AC07-94ID13223, and any modifications thereto.

D. The term "EG&G M&O Contract" shall mean contract number ("No.") DE-AC07-76ID01570, and any modification thereto.

E. The term "Pit 9 Subcontract" shall mean Letter Subcontract No. C91-133136, dated August 26, 1994, and the Definitized Fixed-Price Subcontract No. C91-133136, dated October 18, 1994, and any modifications thereto.

F. The term "Pit 9 Solicitation" shall mean Request for Proposal No. C91-133136.

G. The term "Pit 9 Alternate Path Forward" shall mean all documents concerning the OU7-10 Staged Interim Action Project.

H. The term "LMC" shall mean Lockheed Martin Corporation, and its predecessors in interest.

I. The term "LMAES" shall mean Lockheed Martin Advanced Environmental Systems, Inc., and its predecessors in interest, including Lockheed Environmental Systems and Technology ("LESAT").

J. The term "Sequestered Team" shall mean the group of LMITCO employees responsible for the oversight of LMAES' performance of the Pit 9 Subcontract established under the terms of the Plan for Mitigating Organizational Conflicts of Interest which was approved by a DOE contracting officer in December 1994.

K. The term "LMITCO" shall mean Lockheed Martin Idaho Technologies Company, and its predecessors in interest, including Lockheed Idaho Technologies Company.

L. The term "EG&G" shall mean EG&G Idaho, Inc., the predecessor to LMITCO as the Management and Operations contractor at the Idaho National Engineering and Environmental Laboratory with responsibility for the Pit 9 Project.

M. The term "DOE" shall mean the United States Department of Energy, the United States Department of Energy - Idaho Operations Office, and its past and present employees, agents, representatives, consultants, accountants, attorneys, contractors

and any other representatives, persons, or entities working on behalf of the United States Department of Energy.

N. The term "DOE-ID" shall mean the United States Department of Energy – Idaho Operations Office and its past and present employees, agents, representatives, consultants, accountants, attorneys, contractors and any other representatives, persons, or entities working on behalf of the United States Department of Energy – Idaho Operations Office.

O. The term "OCI Plan" shall mean the "Plan for Mitigating Organizational Conflicts of Interest in the Comprehensive Demonstration Project" approved by David Letendre on December 9, 1994.

P. The term "POB" shall mean the Program Oversight Board for the Pit 9 Project [established by the OCI Plan.

Q. The term "Program Oversight Board Charter" shall mean the Program Oversight Board Charter and Operation, drafted on or about December 9, 1994, and thereafter revised in Rev. 1, dated February 21, 1996.

R. The term "Deliverable" shall mean any document submitted by LMAES to LMITCO or DOE under Subcontract No. C91-133136 including, but not limited to the following documents:

1. Feasibility Study for Treatment of Alpha Contaminated Mixed Low-Level Waste
2. Draft 30% Design
3. Draft 30% Preliminary Safety Analysis Report ("PSAR")
4. Health and Safety Plan II

5. Pit 9 Sampling Requirements Document
6. Project Management Plan
7. Permit to Construct
8. Technical Applications Division Quality Assurance Plan
9. Draft PSAR Summaries, Chapters, and Appendices
10. Draft Permit to Construct Application
11. Health and Safety Plan for Site Preparation
12. Draft Applicable or Relevant and Appropriate Regulations Matrix, Specifications, Diagrams, and Process Flow Diagrams
13. Architectural/Building 90% Engineering Package
14. Construction Technical Work Plan
15. Construction Engineering, Health, and Safety Plan
16. LESAT Radcon Procedures
17. Draft Safety Policy and Procedures Manual
18. Draft Overburden Documentation
19. Overburden Documentation and Geophysical Survey Report
20. Overburden Characterization Sampling Project
21. 90% Treatment System Process Design
22. 90% Retrieval System Bridge Design
23. 90% Retrieval System Gantry and Foundation Design
24. Hazard Baseline Documentation Implementation Plan -- Final
25. Support Facilities/System Design WBS 3.1.1

26. Offsite Mechanical 90% Engineering Package
27. 90% Utilities & Offsite Process Design
28. Offsite Piping Plans
29. Limited Production Test Surrogate Processing Preliminary Approach Report
30. Limited Production Test Compliance Strawman
31. Emergency Plan, Operating Procedures & Hazards Assessment
32. Draft Hazard Assessments
33. Pit 9 Emergency Plan
34. Treatment Facility 90% Structural Engineering Design Package
35. Pre-Final Comprehensive 90% Remedial Design
36. Retrieval Facility and Systems 100% Design Package
37. Treatment System Process 100% Design Submittal
38. Preliminary 138kV Transmission Line Design
39. Scoville and Pit 9 Substation Design Package
40. Permit to Construct, Identification of Significant Emissions Report
41. Draft Implementation Planning Documentation for the RADCON Manual
42. Final Radiation Protection Program Implementation Plan
43. Offsite Water Well Package
44. Revised Water Well Specifications and Drawings
45. Draft Process Waste Matrix

46. Dig Face Monitor System Design
47. Overburden Auger Prototype Test Report
48. Soil Brush Prototype Test Report
49. Isotope Separation of Soils Draft Report
50. Sewage Treatment Lagoon Expansion 90% Design Submittal
51. Storm Water Plan -- Rev. C
52. Fabrication Plasma Melter Engineering Package
53. Plasma Melter 90% Design Package
54. 90% Design Package 'A'
55. Finite Element Analysis and Drawings Supporting the Gantry
100% Design Package
Treatment Facility Nuclear Engineering, Safety and Health
Instrumentation 90% Package
56. Remedial Action Work Plan
57. Disposal of Offsite Waste Water Plan
58. Draft Operational Readiness Review Plan
59. Revised Air Emission Inventory
60. Project Management Plan
61. Draft Engineering, Health and Safety Standard Operating
Procedures
62. Subsurface Disposal Area Road Closure Plan
63. Draft Criticality Control Plan
64. Draft Contamination Prevention and Control Strategy
65. Position Papers on Hazardous Constituents

66. Short Term Risk Assessment Scope of Work
67. Soil Sorter Process Report
68. 90% Design Package Submittal Schedule
69. Preliminary Retrieval Building Air System Design Package
70. Confinement System Requirements
71. Shedder 90% Design Package
72. Conduct of Operations Program Plan and Compliance Matrix
73. Preliminary Fire Hazards Analysis
74. Retrieval 90% Design Package
75. Planning Document for Pit 9 Drum Containers
76. System Requirements Document

S. The terms “you” and “your” mean the DOE and all persons acting or purporting to act on behalf of DOE.

T. The term “document” is synonymous in definition and equivalent in scope to the usage of the term “document” in Rule 34(a) of the FRCP. The term “document” includes, but is not limited to any writing, correspondence, brief, memorandum, report, pamphlet, list, diary, records of conversation, brochure, analysis, drawing, specification, graph, chart, photograph, phonograph, film, tape, video tape, disk, microfiche, electronic mail, electronic device, computer runs as well as any information necessary to comprehend such runs, or any other means of recording information or data compilations from which information may be obtained. The term “document” shall

include each copy, revision, or update that is not identical to the original or to any other copy, and any preliminary drafts of any documents or working papers related thereto.

U. The terms "concerning," "relating," and "regarding" are synonymous with: supporting, refuting, discussing, describing, mentioning, explaining, constituting, suggesting, proposing, evidencing, or having any bearing on the subject of the document request.

V. The terms "all," "any," "those" and "each" shall be construed to request every document relevant to the given subject.

W. The term "including" means including, but not limited to.

X. The term "meeting" means any and every assembly or gathering, whether or not formal or pre-arranged, of two or more persons during which the subject matter referenced by the discovery request was discussed, including face-to-face assembly, conference calls, or discussions.

Y. The term "communication" means any contact, oral or written, formal or informal, at any time or place, and under any circumstances whatsoever, whereby information of any nature was recorded, transmitted, or transferred.

ATTACHMENT A

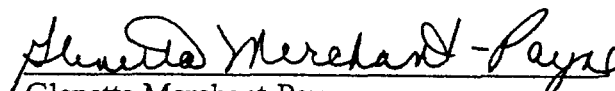
- i. David Letendre
- ii. John Wilczynski
- iii. Alvin Alm
- iv. Ralph Throckmorton
- v. Eric Fygi
- vi. Lisa Green
- vii. Frank Schwartz
- viii. Brian Anderson
- ix. James R. Wade
- x. Larry Spilker
- xi. John Kolts
- xii. Carl Bauer
- xiii. Thomas F. Burns
- xiv. Jerry L. Lyle
- xv. Nolan R. Jensen
- xvi. Alan Jines
- xvii. Richard Hopf
- xviii. James Owendoff
- xix. John Baublitz
- xx. Pranab Guha
- xxi. August Pitrolo
- xxii. Alice Williams
- xxiii. Thomas Grumbly
- xxiv. Nick Stanisich
- xxv. Adolph Garcia
- xxvi. G.L. Beausoleil
- xxvii. J.N. Perry
- xxviii. P. Strider
- xxix. G.L. Scott
- xxx. P.N. Smith
- xxxi. Dan Goldman

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of August, 2001, I served a true and correct copy of the above foregoing document to the following person(s):

Donald E. Kinner	<input type="checkbox"/>	U.S. Mail - Postage Prepaid
Commercial Litigation Branch	<input checked="" type="checkbox"/>	Hand Delivery
Civil Division	<input type="checkbox"/>	Overnight Mail
Department of Justice	<input type="checkbox"/>	Facsimile
1100 L Street, N.W.		
Attn: Classification Unit - 8 th Floor		
Washington, D.C. 20530		

Robert J. Burke, Esq.	<input checked="" type="checkbox"/>	U.S. Mail - Postage Prepaid
OLES MORRISON RINKER &	<input type="checkbox"/>	Hand Delivery
BAKER	<input type="checkbox"/>	Overnight Mail
701 Pike Street, Suite 1700	<input type="checkbox"/>	Facsimile
Seattle, WA 98101		


Glenetta Merchant-Payne